

DECLARATION OF KOON-WAH LEONG UNDER 37 C.F.R. §1.131

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Application Number	09/593,827
Confirmation Number	7505
Filing Date	June 13, 2000
First Named Inventor	Sherry X. Guo
Examiner	R. Gitomer
Group Art	RECEIVED
Attorney Docket No.	LIFE008/LFS-101 SEP 2 5 2003

TECH CENTER 1600/2900

This Declaration and the attached Exhibit are being submitted in conjunction with the Applicants' Response to the Office Action dated June 16, 2003.

- I, Koon-wah Leong, Ph.D., do hereby declare as follows.
- 1. I am an inventor of the invention claimed in the above captioned application, along with Sherry Guo.
- 2. I have been asked to declare and provide factual evidence in support of a reduction to practice of a storage stable composition containing nylon and 10-(carboxymethylaminocarbonyl)-3,7-bis(dimethylamino)phenothiazine before October 26, 1999.
- 3. As evidenced by Exhibit A, we reduced to practice a storage stable composition containing nylon and 10-(carboxymethylaminocarbonyl)-3,7-bis(dimethylamino)phenothiazine prior to October 26, 1999. The dates have been redacted from Exhibit A. All redacted dates are prior to October 26, 1999.

4. Exhibit A consists of a photocopy of three pages from my lab notebook, showing an experiment that I performed called "Trial 3". The following is written at the end of page 651-105: "Rgt II was coated on OneTouch Nylon membrane at 65°C for 10 min". As is apparent from the middle of page 651-105, Rgt II contains B dip. B dip contains component DA-67, which corresponds to 10-(carboxymethylaminocarbonyl)-3,7-bis(dimethylamino)phenothiazine. As such, this page discloses a nylon membrane coated with 10-(carboxymethylaminocarbonyl)-3,7-bis(dimethylamino)phenothiazine. Pages 651-106 and 651-107 show test results, and concludes with "Conclusion: very good calibration curve was obtained". According to my lab notebook, the membrane was coated with DA-67 prior to October 26, 1999. The date of the signature at the bottom of the page is also prior to October 26, 1999.

5. The evidence provided in Exhibit A establishes that we produced a storage stable composition containing nylon and 10-(carboxymethylaminocarbonyl)-3,7-bis(dimethylamino)phenothiazine prior to October 26, 1999.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: September 9, 2003

Koon-wah Leong, Ph.D

Attachments: Exhibit A

LIFESCAN INC	CORPORATED	EXHIBTA	1/3	Nº	651-165	IPA
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